

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|  |   |                                       |
|--|---|---------------------------------------|
| GOVERNMENT OF GUAM                           | ) | CASE NO. 1:13-cv-1165                 |
| RETIREMENT FUND,                             | ) |                                       |
| on behalf of itself and all others similarly | ) | JUDGE CHRISTOPHER A. BOYKO            |
| situated,                                    | ) |                                       |
|  | ) |                                       |
| Plaintiff,                                   | ) | <b>DEFENDANTS' MOTION TO MODIFY</b>   |
|  | ) | <b>SCHEDULING ORDER AND FOR</b>       |
| v.   | ) | <b>LEAVE TO FILE MEMORANDUM IN</b>    |
|  | ) | <b>EXCESS OF PAGE LIMITATIONS SET</b> |
| INVACARE CORPORATION, <i>et al.</i> ,        | ) | <b>FORTH IN LOCAL RULE 7.1(f)</b>     |
|  | ) |                                       |
| Defendants.                                  | ) |                                       |

Pursuant to Federal Rule of Civil Procedure 16(b)(4) Defendants, Invacare Corporation, Gerald B. Blouch, and A. Malachi Mixon, III (collectively, "Defendants"), respectfully request an order granting: (1) a 7-day extension of the Court's October 7, 2013 scheduling order; and (2) leave to file a Memorandum in Support of their Motion to Dismiss that exceeds the page limit set forth in Local Rule 7.1(f) by approximately twenty (20) additional pages, for a total of forty (40) pages.<sup>1</sup>

Good cause exists for this Motion. On November 15, 2013 Lead Plaintiff Government of Guam Retirement Fund ("Lead Plaintiff") filed a lengthy Amended Complaint, adding over a hundred pages of allegations. This extension is not being sought for the purpose of delay. Rather, Defendants submit that additional time is needed to consider the myriad of new allegations raised in the Amended Complaint and prepare an appropriate response thereto.

Further, Defendants do not seek to exceed the page limitations set forth in Rule 7.1(f) for

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<sup>1</sup> In advance of filing this motion, counsel for Defendants met and conferred with counsel for Lead Plaintiff.

an improper purpose. Defendants require these additional pages to adequately and thoroughly address the hundreds of allegations contained in the Amended Complaint. Therefore, good cause exists for granting Defendants' requested enlargement.

For all of the reasons stated above and subject to the Court's approval, Defendants respectfully request that the Court enter the accompanying [Proposed] Order, attached hereto as Exhibit A, entering the case schedule set forth below and granting Defendants leave to file a Memorandum in Support of their Motion to Dismiss that exceeds the page limit set forth in Local Rule 7.1(f) by approximately twenty (20) additional pages, for a total of forty (40) pages:

1. Defendants shall answer, move or otherwise respond to Lead Plaintiff's Amended Complaint on or before December 23, 2013;
2. Lead Plaintiff shall file its opposition to any motion to dismiss the Amended Complaint on or before January 22, 2014; and
3. Defendants shall file any reply brief to Lead Plaintiff's opposition on or before February 5, 2014.

Respectfully Submitted,

/s/ Fritz E. Berckmueller

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*Attorneys for Defendants, Invacare Corporation,  
Gerald B. Blouch, and A. Malachi Mixon, III*

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed electronically on November 27, 2013. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Fritz E. Berckmueller

One of the Attorneys for Defendants, Invacare Corporation, Gerald B. Blouch, and A. Malachi  
Mixon, III